

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ROCKIES EXPRESS PIPELINE, LLC,)
Plaintiff,)
)
vs.) 1:08-cv-0751-RLY-TAB
)
123.62 ACRES, et al.,)
Defendants.)

**ORDER ON DEFENDANTS ARVIN M. AND MARY L. HOPKINS' MOTION
TO CERTIFY ORDER AS A FINAL JUDGMENT OR, ALTERNATIVELY,
TO EXTEND THE TIME TO FILE NOTICE OF APPEAL**

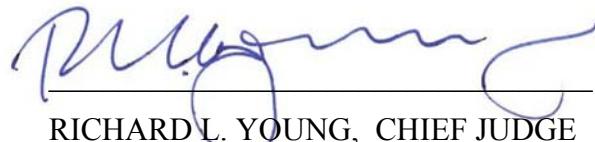
Defendants, Arvin M. and Mary L. Hopkins (the “Hopkins”), move to certify the court’s May 11, 2011 Condemnation Order as a final, appealable judgment pursuant to Federal Rule of Civil Procedure 54(b). Alternatively, the Hopkins move the court to extend the time within which they have to appeal the court’s May 11, 2011 Condemnation Order for thirty (30) days pursuant to Federal Rule of Appellate Procedure 4(a)(5).

There are three tracts of land remaining in this litigation; those owned by Defendant J.W. Jones Materials, LLC (“J.W. Jones”), Defendant Donald Bates (“Bates”), and Defendant Sandra Ritz¹ (“Ritz”). The court finds that there may be issues of law and fact between the Commission proceedings involving the tract owned by the Hopkins and

¹ The docket reflects that Ritz settled her claim on July 8, 2011; however, she has not filed a Stipulation of Dismissal with the court as of this date. (See Docket ## 873, 892).

those involving the tracts owned by J.W. Jones, Bates, and Ritz, particularly with regard to the formula utilized to determine the just compensation to be paid by Rockies Express Pipeline, LLC, to the landowners as a result of the condemnation of the Right-Of-Way Servitudes across their respective tracts of land. Accordingly, the court **DENIES** the Hopkins' motion to certify the court's May 11, 2011 Condemnation Order as a final, appealable judgment, and their alternative motion to extend the time within which they have to appeal the court's May 11, 2011 Condemnation Order (Docket # 866) is **DENIED** as **MOOT**.

SO ORDERED this 24th day of August 2011.



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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